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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,500	09/08/2003	John Keller	2955-6071US	9349
24247	7590	01/12/2005	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			PHAM, TOAN NGOC	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/657,500

Applicant(s)

KELLER, JOHN

Examiner

Toan N Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/8/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

On page 2 of the specification, the updated data with regards to U.S Patent Application 09/966,569, now U.S. Patent No. 6,617,971 should be updated.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-11, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (US 5,700,956) in view of Thomas et al. (US 6,822,565).

Regarding claims 1 and 9: Huang discloses all the claimed limitations with respect to the sensor, the switch element and the electrically conductive rotatable elongated element (col. 3, line 43-col. 4, line 26; col. 5, lines 4-28), with the exception of a warning device. Thomas et al. discloses a gauge alarming devices includes the rotatable elongated element for indicating the sensed values including an alarm (col. 4, lines 39-40). At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize an alarming device as taught by Thomas et al. in a system as disclosed by Huang for alerting the operator of a potential hazardous condition.

Regarding claim 2: Huang discloses that the rotatable elongated element is a needle of a gauge (col. 4, lines 8-10; Fig. 3).

Regarding claim 3: Thomas et al. discloses the alarm device is a light emitting diode (col. 5, lines 9-18).

Regarding claim 4: Huang discloses the circuit is connected to the rotatable elongated element (col. 3, lines 42-51).

Regarding claim 7: Huang discloses a manual switch connected to the circuit (col. 4, lines 32-36; col. 5, lines 29-32).

Regarding claim 8: Huang discloses the sensor is a pressure sensor (col. 3, line 43).

Regarding claim 10: Huang discloses the rotatable elongated element is electrically conductive (col. 4, lines 8-10).

Regarding claim 11: Huang discloses the adjustable switch to adjust the selected condition (col. 4, lines 32-36; col. 5, lines 29-32).

Regarding claim 14: Huang discloses a manual switch connected to the circuit (col. 4, lines 32-36; col. 5, lines 29-32).

Regarding claim 15: Thomas et al. discloses the alarm device is a light emitting diode (col. 5, lines 9-18).

Regarding claim 16: Huang discloses the circuit is connected to the rotatable elongated element (col. 3, lines 42-51).

Regarding claim 17: Thomas et al. discloses the first and second warning conditions (col. 5, lines 9-19).

Regarding claim 18: Huang in view of Thomas et al. discloses all the claimed limitation as shown in claim 1 above, except for sensing temperature; however, whether

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the sensor dial, gauge, meter or indicator as taught by Huang in view of Thomas et al. is utilized as a pressure sensor, level sensor or temperature sensor is merely a matter of design choice or preference in utilizing different sensor for indicating the different sensed level.

Regarding claims 19 and 20: Huang discloses the sensing circuit (col. 3, lines 38-67).

### ***Allowable Subject Matter***

Claims 5, 6, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Van Dyke et al. (US 5,698,974), Abowd et al. (US 5,379,637), Miller et al. (US 6,825,770), Swindler et al. (US 6,089,086), and Hamilton et al. (US 6,536,295) are cited to show a variety of gauge indicating devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 7, 2005

TOAN N. PHAM  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Toan N. Pham', with a long horizontal stroke extending to the right.